

**In the U.S. Patent and Trademark Office**

Inventor: Abbink  
Serial number: 10/678,843  
Filed: October 3, 2003  
Title: Optical Spectroscopy Incorporating a Vertical Cavity Surface Emitting Laser (VCSEL)

Paper: \_\_\_\_\_  
Group: 2877  
Examiner: Connolly, Patrick J

**Response to Restriction.**

Applicant has reviewed the Communication mailed 04/06/2006, submits the following in complete response thereto, and requests consideration of the Claims presented.

**Time for Response.**

The one month time set for response expired on 05/06/2006, which day fell on a Saturday. Accordingly, Applicant has until 05/08/2006 to respond, which is the next succeeding business day which is not a Saturday, Sunday, or a Federal holiday. 35 U.S.C. 21; 37 CFR 1.7; MPEP 710.05. If a petition for extension is nonetheless required, please consider this a request therefor and charge the applicable fee to Deposit Account **502443**.

**Requirement and Election.**

The Office required election to either the invention of Claims 1-26 or the invention of Claims 27-32. Applicant provisionally elects the invention of Claims 1-26.

**Traverse.**

The Office restricted the two groups as subcombinations disclosed as useable together in a single combination. Office Action p. 2. Applicant respectfully traverses this characterization. Claims 1-23 concern a subassembly including, in general terms, an interferometer (e.g., Claim 1 element a) and a light source (e.g., Claim 1 element b). Claims 24-26 concern methods of providing a light source as required in Claim 1. Claims 27-32 similarly concern a light source similar to that required in Claim 1. Accordingly, the inventions of Claims 1-26 and Claims 27-31 are related as combination and subcombination, not as two subcombinations.

The subassembly of Claim 27 requires a VCSEL and an etalon; dependent Claims 28-32 recite various more detailed characteristics of the VCSEL, the etalon, or the operation of the light source. Similarly, the subassembly of Claim 1 requires a VCSEL and an etalon; Claims 2-27 recite various more detailed characteristics of the VCSEL, the etalon, of the operation of the system.

Accordingly, Applicant submits that the proposed subcombination/subcombination restriction is improper, and requests that it be withdrawn.

Respectfully submitted,



V. Gerald Gafe

5/8/2006

date

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**Certificate of Mailing**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450.

5/8/2006

date



name